

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

JOSHUA NICHOLS,

Plaintiff

v.

JAMES DZURENDA, *et al.*,

Defendants.

Case No. 2:21-cv-01478-RFB-EJY

**ORDER**

**I. DISCUSSION**

On August 6, 2021, Plaintiff, an inmate in the custody of the Clark County Detention Center (“CCDC”), submitted a civil rights complaint under 42 U.S.C. § 1983. ECF No. 1-1. Plaintiff has neither paid the \$402 filing fee for this matter nor filed an application to proceed *in forma pauperis*.

The Court notes the return address on Plaintiff’s complaint is 1094 Kabuki Avenue, Henderson, Nevada, 89074; however, Plaintiff states he presently resides at the Clark County Detention Center, 330 S. Casino Center Blvd., Las Vegas, Nevada, 89101. On this occasion only, the Court will mail this Order to Plaintiff at both addresses. Plaintiff shall file a written notification with the Court of his updated address on or before **October 25, 2021**. If Plaintiff fails to update the Court with his current address by **October 25, 2021**, his case will be subject to dismissal without prejudice.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to commence a civil action may apply to proceed *in forma pauperis*, which allows the inmate to file the civil action without prepaying the full \$402 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three of the following documents to the Court:

(1) a completed **Application to Proceed in Forma Pauperis for Inmate**, on this Court’s approved form (i.e. pages 1 through 3 with the inmate’s two signatures on page 3),

(2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court’s approved form), and

(3) a copy of the inmate's prison or jail trust fund account statement for the previous six-month period.

The Court grants Plaintiff a one-time extension to file a fully complete application to proceed *in forma pauperis* containing all three of the required documents, or in the alternative, pay the full \$402 filing fee for this action on or before **October 25, 2021**. Absent unusual circumstances, the Court will not grant any further extensions of time.

If Plaintiff is unable to file a fully complete application to proceed *in forma pauperis* with all three required documents or pay the full \$402 filing fee on or before **October 25, 2021**, the Court will recommend dismissal of this case without prejudice allowing Plaintiff to file a new case with the Court when Plaintiff is able to acquire all three of the documents needed to file a fully complete application to proceed *in forma pauperis* or pays the full \$402 filing fee.

A dismissal without prejudice means Plaintiff does not give up the right to refile the case with the Court, under a new case number, when Plaintiff has all three documents needed to submit with an application to proceed *in forma pauperis*. Alternatively, Plaintiff may choose not to file an application to proceed *in forma pauperis* and instead pay the full filing fee of \$402 on or before **October 25, 2021** to proceed with this case.

The Court will retain Plaintiff's civil rights complaint (ECF No. 1-1), but the Court will not file the complaint unless and until Plaintiff timely files a fully complete application to proceed *in forma pauperis* with all three documents or pays the full \$402 filing fee.

## II. ORDER

Accordingly, and for the foregoing reasons, IT IS HEREBY ORDERED that the Clerk of the Court shall send Plaintiff the approved form application to proceed *in forma pauperis* by an inmate, as well as the document entitled information and instructions for filing an *in forma pauperis* application.

IT IS FURTHER ORDERED that on or before **October 25, 2021**, Plaintiff shall either pay the full \$402 filing fee for a civil action (which includes the \$350 filing fee and the \$52 administrative fee) or file with the Court:

1 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this Court's  
2 approved form (i.e. pages 1 through 3 of the form with the inmate's two signatures on page  
3 3),

4 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official  
5 (i.e. page 4 of this Court's approved form), and

6 (3) a copy of the **inmate's prison or jail trust fund account statement for the previous**  
7 **six-month period.**

8 IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete application to  
9 proceed *in forma pauperis* with all three documents or pay the full \$402 filing fee for a civil action  
10 on or before **October 25, 2021**, the Court will recommend dismissal of this action **without prejudice**  
11 for Plaintiff to refile the case with the Court, under a new case number, when Plaintiff has all three  
12 documents needed to file a complete application to proceed *in forma pauperis* or pays the full \$402  
13 filing fee.

14 IT IS FURTHER ORDERED that the Clerk of the Court shall send a copy of this Order to  
15 Plaintiff at 1094 Kabuki Avenue, Henderson, Nevada, 89074 with a courtesy copy to Plaintiff at the  
16 Clark County Detention Center, Inmate No. #1687430, 330 S. Casino Center Blvd., Las Vegas,  
17 Nevada, 89101.

18 IT IS FURTHER ORDERED that Plaintiff shall file written notification of his updated  
19 address with the Court by **October 25, 2021**.

20 IT IS FURTHER ORDERED that the Clerk of the Court shall retain Plaintiff's complaint  
21 (ECF No.1-1) but will not file it at this time.

22 DATED this 25th day of August, 2021.

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26 ELAYNA J. YOUCHAH  
27 UNITED STATES MAGISTRATE JUDGE  
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